

LOWELL CANEDAY, Ph.D., 7-23-08

1

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

08:57

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Plaintiff,)

vs.) 4:95-CV-003290-TCK-SAJ

TYSON FOODS, INC., et al.,)

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Defendants.)

VIDEO DEPOSITION OF LOWELL CANEDAY, Ph.D.,
produced as a witness on behalf of the Defendants in
the above styled and numbered cause, taken on the
23rd day of July, 2008, in the City of Tulsa, County
of Tulsa, State of Oklahoma, before me, Karla E.
Barrow, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

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EXHIBIT

3

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157

1 college aged rowdies?

2 A Yeah.

3 Q And that was your audience, your carrying
4 capacity would likely be higher than it would be --

5 A It probably would be. 02:24

6 Q -- if you had a roomful of STIR members?

7 A I'm sure that would be true, that would be
8 true. Probably STIR members would say three or four
9 people is all they would want on the river. I don't
10 know that. 02:24

11 Q In your considered materials, you had a number
12 of historical reports --

13 A Yes.

14 Q -- or references from journals. Why -- why
15 were those materials in your considered materials 02:24
16 and how are they incorporated into your report?

17 A Well, I think it's fair to say they weren't in
18 my original affidavit, and I was asked, after the
19 hearing, to enhance the historical documents. In
20 fact, we communicated about it, (indicating), so I 02:24
21 went back into history, became familiar with the
22 process. I didn't know how much was going to be
23 valuable, but I looked at the history as being a way
24 of providing evidence that this river has been a
25 recreational river from the time that white settlers 02:25

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158

1 moved into this area. We don't have a good written
2 record from the Native peoples of their recreation
3 on the river, although we know it occurred. But
4 historically, it has been a recreational river.

5 What were the perceptions of people regarding this 02:25
6 river. How did it fit into their lives. What was
7 their understanding of the quality of the river,
8 then how did use, current human recreational use
9 develop on the river. So we know that there have

10 been floaters on the river, but we also know that 02:25
11 the mechanics for doing that float have changed. At
12 one time it was johnboats, very low draft boats.

13 Today it's a very different type of craft, and that
14 has changed both in terms of type and numbers of
15 use, and that was what I was trying to show with the 02:26
16 history.

17 Q Okay. So those materials, you added that part
18 of your report --

19 A That part --

20 Q -- at the request of the state? 02:26

21 A I did.

22 Q Okay.

23 A I did. And it's not that it didn't exist,
24 it's just that -- in fact, I'm pretty sure I

25 referenced in my very first affidavit photos that we 02:26

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LOWELL CANEDAY, Ph.D., 7-23-08

159

1 had found when we were doing the management plan
2 that went back to the 1920's and the 1930's. I just
3 hadn't put them in the --

4 Q Okay.

5 A -- affidavit. 02:26

6 Q And the various historic sources that you used
7 in reference, did you pull those materials together
8 or were those provided to you?

9 A Some were provided. Some I pulled together.
10 Some I'd used earlier. Over the years that I've 02:26

11 worked with the Scenic Rivers Commission, we
12 developed a library of materials that I think are
13 still at the office, and a few of those items I had
14 photocopied, add in other documents and so on, but
15 there were other items that were provided. 02:27

16 Q Okay. Several of those materials, some of
17 them there was a complete report and some of them
18 there was a cover page or the cover of a book and
19 just a couple of pages out of the publication.
20 Which of those, if you know, did you compile and 02:27
21 which were provided to you?

22 A I tended to provide full documents if I owned
23 the document.

24 Q Okay.

25 A If I didn't own the document or if it came out 02:27

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